

CUSTOMER NO.: 24498
Serial No.: 10/552,025
Date of Office Action: 09/06/07
Response dated: 12/05/07

PATENT
PD030040

Remarks/Arguments

In the non-final Office Action dated September 9, 2007, it is noted that claims 1-6 are pending; that claims 1-6 stand rejected under 35 U.S.C. §102; that the drawings submitted on October 3, 2005 have been accepted; and that the claim for foreign priority under 35 U.S.C. §119 has been acknowledged.

By this response, claims 1-6 have been amended and new claims 7-12 have been added. Claims 1-6 have been amended to clarify aspects of the present invention concerning the menu items and the storage medium. Moreover, claims 3-6 have been amended to be specific to a method. New claims 7-8 have been added to further define method aspects of the present invention. New claims 9-12 have been added to further define the apparatus aspects of the invention. No new matter has been added.

In view of both the amendments presented above and the following remarks, it is submitted that the claims pending in the application are novel and nonobvious. It is believed that this application is in condition for allowance. Reconsideration of the present application is respectfully requested.

Filing Date

Although the filing date noted on cover page of the present Office Action is shown as July 28, 2006 because it is the date upon which all filing requirements under 35 U.S.C. §371 were met for this application, it should be noted that the filing date is shown above in the caption as the International Filing Date of the application, namely, March 22, 2004 in accordance with 35 U.S.C. §363.

Amendment to the Claims

Claims 1 and 2 have been amended to include the term "menu item(s)" and to remove the limitation of "removable" for the storage medium. The former amendment is supported in the original specification at page 5, line 29 and in Figure 2. Further support is derived from the specification at page 3, lines 30-33 and page 6, lines 4-6 and 13-15.

CUSTOMER NO.: 24498
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Claim 3 has been amended to state that "the first menu items are displayed for at least one, but not for every menu page of the multi-page menu". This claim is supported by Figure 1 and by the specification at page 4, line 23 through page 5, line 6.

Claim 4 has been amended to call for "menu item(s)" rather than "menu buttons", as already discussed in claims 1 and 2.

Claims 5 and 6 have been clarified to also call for the "menu data segment" and to remove the limitation "removable" from the storage medium. Support for the former changes to claims 5 and 6 are disclosed in the originally filed specification at page 14, lines 1-4.

The amendments to the claims are believed to be proper and justified. All the pending claims are believed to be supported by the original application. No new matter has been added to the claims.

Rejection of Claims 1-6 under 35 U.S.C. §102

Claims 1-6 stand rejected under 35 U.S.C. §102 as being anticipated by European Patent Application EP 0 920 017 A2 (hereinafter "Setogawa"). This rejection is respectfully traversed.

In the present application, claim 1 is an independent method claim that serves as a base claim for claims 3-8. Claim 2 is an independent apparatus claim that includes limitations substantially similar to claim 1 and serves as an independent base claim for new claims 9-12.

The present invention provides a new type of data object, and a corresponding flexible decoding method. This new type of data object solves the problem of providing a more flexible data structure than the cell structure known from Setogawa, in order to allow combinations of visible, invisible, selectable and non-selectable menu objects.

As a particular advantage of the invention, a menu including at least visible selectable and visible non-selectable objects, or even all the different types of menu objects, can be generated from a single data structure, i.e. the menu objects including visible, invisible, selectable and non-selectable objects, use the same data structure and decoder, which is not possible with the known prior art.

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Setogawa appears to describe a conventional DVD player. It shows a menu with a non-button menu object (see, *video data* 73), which however is only background (see *Setogawa at col.9, lines 44-46 and col.13, lines 1-2*) that is overlaid with the buttons. Further, Setogawa appears to teach that it is required to create pixel data for each operation button (see *Setogawa at paragraph [0073]*), i.e., each of the selectable buttons. Therefore there is no motivation in Setogawa to enable display of a non-button object other than background (i.e., a non-button menu object that is not overlaid with button objects), or even more than one non-button menu object being visible, as possible with the present invention as claimed.

Setogawa presents various formats for data utilized by various menus for displaying information to facilitate the recording or replay of data on a DVD, for example. In all the examples provided by Setogawa, the menu buttons are clearly visible and displayed for selection and activation. See *Setogawa at paragraphs [0062], [0064], [0070], [0077], [0104] and Figures 4A and 4B*.

In no case does Setogawa teach, show, or suggest that menu buttons or items are or could be invisible and selectable. The present Office Action attempts to support the rejection by pointing to paragraphs 74-75 of Setogawa. Yet, upon careful review, it is clear that Setogawa includes no language in those paragraphs, or anywhere else in his specification, that the functions described in paragraphs 74-75 are achieved with menu items that are selectable and invisible and are automatically activated upon selection, as defined in claims 1 and 2.

Further, it is noted that Setogawa does not teach, show, or suggest menu buttons or items for non-selectable display data. Although the present Office Action points to paragraph 61 of Setogawa for support, it is noted that the subpicture elements discussed in that paragraph are in fact displayed to be selectable because they relate to making a choice (that is, on screen selection) between A and B at the end of a scene.

In view of the remarks above, it is believed that Setogawa does not teach, show or suggest all the limitations in claims 1 and 2. It is submitted that Setogawa neither anticipates nor makes obvious claims 1 and 2 and the respective claims dependent

CUSTOMER NO.: 24498
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thereon. Hence, it is believed that claims 1 and 2 and dependent claims 3-6 are allowable under 35 U.S.C. §102 and 35 U.S.C. §103.

In addition to the reasons set forth above with respect to claim 1, it is noted that, with respect to claim 4, Setogawa fails to expressly state that a menu item has graphic representation data for one state of the menu item, but not for another of the states. Therefore, it is submitted that Setogawa neither anticipates nor makes obvious claim 4. Hence, it is believed that claim 4 is allowable under 35 U.S.C. §102 and 35 U.S.C. §103.

With respect to claim 5, Setogawa provides no express or implied teaching that sound data are associated with the state of a menu item. The data structure shown by Setogawa in Figure 14 includes audio to accompany the picture (still or moving), but not associated with one or more states of a menu item. As such the audio is loaded with the picture, but it is not played back upon entry of a menu item or button into the associated state as defined in claim 5. Therefore, it is submitted that Setogawa neither anticipates nor makes obvious claim 5. For the reasons set forth above and with respect to claim 1, it is believed that claim 4 is allowable under 35 U.S.C. §102 and 35 U.S.C. §103.

In light of the remarks above, it is believed that Setogawa does not anticipate or make obvious claims 1-6. Thus, it is submitted that claims 1-6 and the new claims dependent thereon are allowable under both 35 U.S.C. §102 and 35 U.S.C. §103.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner contact the applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled for resolving such issues as expeditiously as possible.

CUSTOMER NO.: 24498
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PATENT
PD030040

It is believed that no fees are currently due with regard to this or any other response relating to the instant application. However, in the event any fees are determined to be due with reference to the filing of this document or any relating to the instant application, please charge to Deposit Account No.07-0832.

Respectfully submitted,
JOBST HORENTRAP ET AL.

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- 10 -